HONOURABLE SMT.JUSTICE T.MEENA KUMARI

&

HONOURABLE SRI JUSTICE P. LAKSHMANA REDDY

WRIT APPEAL NO.1494 OF 2004

Dated 17-08-2005

Between:

Mr. Amartara Ltd., Manufacturers of Adhesive Tapes, Sakivihar Road, Powai, Bombay400 072, rep. by its Managing Director Sri Arun, Sarup.

Appellant.

And:

1) Sri C.Pentony son of late J.E.Pentony, aged about 40 years, H.No.12-7-110/1/2, Kesavanagar Colony, Mettuguda, Secunderabad and others.

Respondents

JUDGMENT : (Per Honourable Smt. Justice T.Meena Kumari)

This writ appeal is filed by the 2nd respondent- appellant aggrieved by the order in W.P. No: 1115 of 1997, under which the learned single Judge allowed the same with the observations as mentioned therein.

The appellant and 3rd respondent herein are respondents 2 and 3 respectively and the 1st respondent herein is the petitioner in the writ petition. The parties will be referred to as arrayed in the writ petition.

Originally, challenging the termination order dated 08-10-1990 passed by respondents-2 and 3, the petitioner has raised an industrial dispute in I.D.No.33 of 1991. The learned Presiding Officer, Labour Court, Hyderabad, on 25-5-1996, after considering the evidence both oral and documentary on either side, allowed the petition setting aside the order dated 08-10-1990 and directing the management to reinstate the writ petitioner into service with continuity of

service and other attendant benefits, but without back wages. Aggrieved by the order of denying back wages , writ petitioner filed the writ petition in W.P.No.1115 of 1997 seeking to a direction declaring the award dated 25-5-1996 in I.D.No.33 of 1991 as illegal and arbitrary. The learned Single Judge, having observed that the order of termination is bad and the writ petitioner is entitled for reinstatement into service with continuity of service, allowed the writ petition declaring that the petitioner shall also be entitled to back wages from the date of termination till reinstatement. Having aggrieved by the same, the present writ appeal has been preferred by the 2nd respondent.

Heard the learned counsel.

We have perused the order impugned and the entire material available on record.

At this stage, it is submitted by the appellant that the writ petitioner-1st respondent herein was reinstated into service as per the order of the Tribunal and he chooses to resign only after full settlement of arrears of back wages.

On the other hand, it is submitted by the learned counsel for the petitioner-1st respondent that the back wages as ordered by the learned single Judge, would come to Rs.1,60,000/-.

In the facts and circumstances of the case and in view of the reinstatement and also in view of the above statements, without expressing any opinion on the merits of the case, we deem it appropriate to modify the order of the learned single Judge in respect of the back wages to the extent that the writ petitioner-1st respondent is entitled to 50% of the back wages, which would come to Rs.80,000/- towards the full and final settlement of the back wages.

At this stage, it is submitted by the learned counsel for the appellant that they have already deposited an amount of Rs.50,000/- before the Tribunal.

Therefore, We direct the appellant to issue a cheque for the remaining amount of Rs.30,000/- drawn in favour of the petitioner-1st respondent, to the learned counsel for the petitioner-1st respondent within a period of four (4) Weeks from today. However, it is made clear that the petitioner-1st respondent

is at liberty to withdrawn the amount of Rs.50,000/- which was already deposited before the Tribunal without furnishing any security.

Subject to the above modification, this writ appeal is disposed of.

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Justice T.Meenakumari

Date : 17th January, 2005

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Justice P.Lakshmana Reddy

Dvs/kvrk

HONOURABLE SMT. JUSTICE T. MEENA KUMARI

&

HONOURABLE SRI JUSTICE P. LAKSHMANA REDDY

W.A. No. 1494 of 2004

(Judgment delivered by the Honourable

Smt. Justice T. Meena Kumari)

17th January, 2005